

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LORENZO ALVAREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondents.

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Civil Action No. 16-4548 (JMV)

OPINION and ORDER

VAZQUEZ, U.S. District Judge

Petitioner, acting *pro se*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2255 seeking to vacate, correct, or set aside his sentence. D.E. 1. On August 2, 2017, the Court entered an Opinion and corresponding Order, denying Petitioners' request for relief except as to one issue for which an evidentiary hearing was necessary. D.E. 15, 16. The hearing was held on September 26, 2017, D.E. 23, and addressed the issue of the advice that Petitioner's counsel gave him before he pled guilty. On January 19, 2018, the Court denied Petitioner's request for relief concerning the advice of counsel issue. D.E. 29, 30. The Court, however, did not address whether Petitioner is entitled to a certificate of appealability.

Specifically, this Court must determine whether Petitioner is entitled to a certificate of appealability in this matter. *See* Third Circuit Local Appellate Rule 22.2. The Court will issue a certificate of appealability if a petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Based on the discussion in prior substantive Opinions, D.E. 15, 29, Petitioner has not made a substantial showing of denial of a constitutional

right, and this Court will not issue a certification of appealability. For this reason, and for good cause shown,

It is on this 23rd day of March, 2018, hereby

ORDERED that a certificate of appealability shall not issue; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Opinion and Order on Petitioner by regular U.S. mail.

s/ John Michael Vazquez
John Michael Vazquez, U.S.D.J.